

#8
9/24/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Arntzen, et al.
SERIAL NO : 09/676,734
FILED : September 29, 2000
TITLE : VACCINES EXPRESSED IN PLANTS

Grp./A.U. : 1638
Examiner : Collins, Cynthia E.
Conf. No. : 1914
Docket No. : P00245USD

**TERMINAL DISCLAIMER TO OBVIATE AN
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Madam:

The owner, Prodigene, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,612,487. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.6(a)(3))

I hereby certify that this document and the documents referred to as enclosed therein are being transmitted via facsimile to: Technology Center 1600 (Art Unit 1638) 703-872-9306, Attn: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 20 day of September, 2002.

Heidi S. Nebel

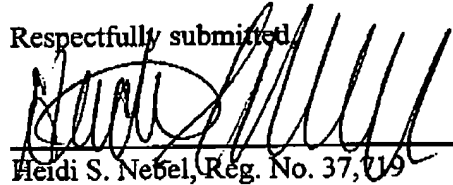
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shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Please charge Deposit Account No. 26-0084 in the amount of \$55.00 to cover the fee for a terminal disclaimer under 37 C.F.R. § 1.20(d). If this amount is incorrect, please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,



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